

FREDERICK COUNTY PLANNING COMMISSION

June 13, 2012 - Hearing date

TITLE: **Alexander's & St. Thomas More Academy**

FILE NUMBER: **SP-92-20, AP-12390, APFO-12391 & FRO-12392**

REQUEST: **Site Plan, AP, APFO, FRO Approval**

The Applicant is requesting Site Plan approval for a private school including elementary/junior high levels to occupy two buildings, on a 3.76-acre site. The proposed plan will include the continued use of the existing restaurant.

PROJECT INFORMATION:

ADDRESS/LOCATION: 3619 Buckeystown Pike
Buckeystown, MD 21717

Located along Buckeystown Pike, north of Michaels Mill Road

TAX MAP/PARCEL: Tax Map 95, Parcel 1217
COMP. PLAN: Village Center
ZONING: Village Center
PLANNING REGION: Adamstown
WATER/SEWER: W-5/S-5

APPLICANT/REPRESENTATIVES:

APPLICANT: Saint Thomas More Academy
OWNER: Buckeystown Land Company, LLC
ENGINEER: B&R Design Group, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit #1: Signed Letter of Understanding (LOU)

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan approval for a private school including elementary/junior high levels to occupy two buildings, on a 3.76-acre site. The proposed plan will include the continued use of an existing restaurant. The proposed use is being reviewed as a "Private School" land use under the heading of *Institutional* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Village Center Zoning District subject to site development plan approval.

The proposed school will contain approximately 105 students and 19 staff members with hours of operation from 8:00 AM to 3:15 PM Monday through Friday.

The project is also being reviewed as a mixed-use development permitting multiple principal structures on a single lot as provided in the Village Center Zoning District Overlay Standards per section 1-19-7.500(B)(4).

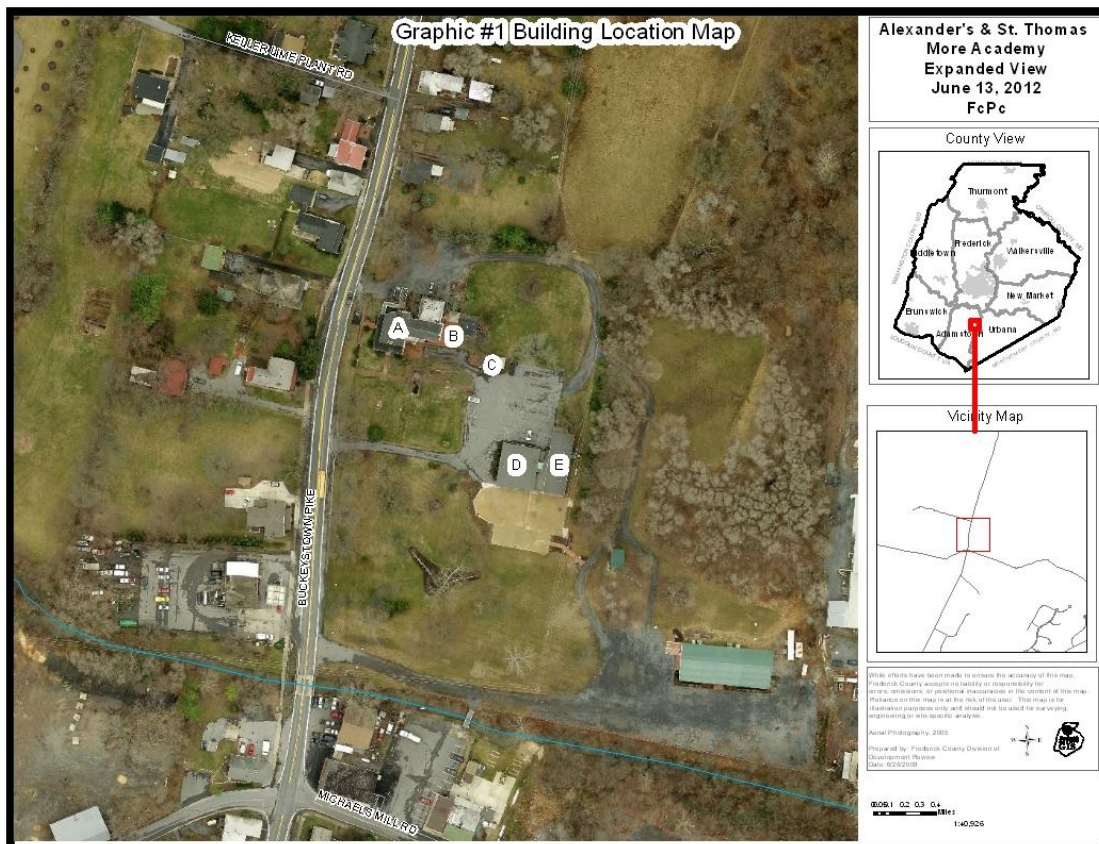
BACKGROUND

Development History

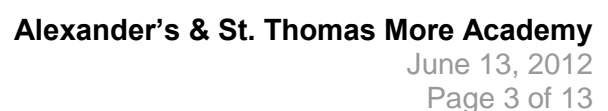
This site was granted prior site plan approval for a change of use from a Bed and Breakfast, Antique shop, to a Hotel/Restaurant on June 23, 2010. The site is now being redeveloped into a private elementary/ junior high school with the restaurant occupying existing buildings A, B, & C on site, and the school occupying building D and E as shown on the Graphic #1 Building Location Map below.

Existing Site

The site is currently zoned Village Center with a County Comprehensive Plan land use designation of Village Center, and is currently occupied with a Restaurant and a Hotel. See Graphic #3 Zoning Map below.



Graphic #2 Site Plan Rendering

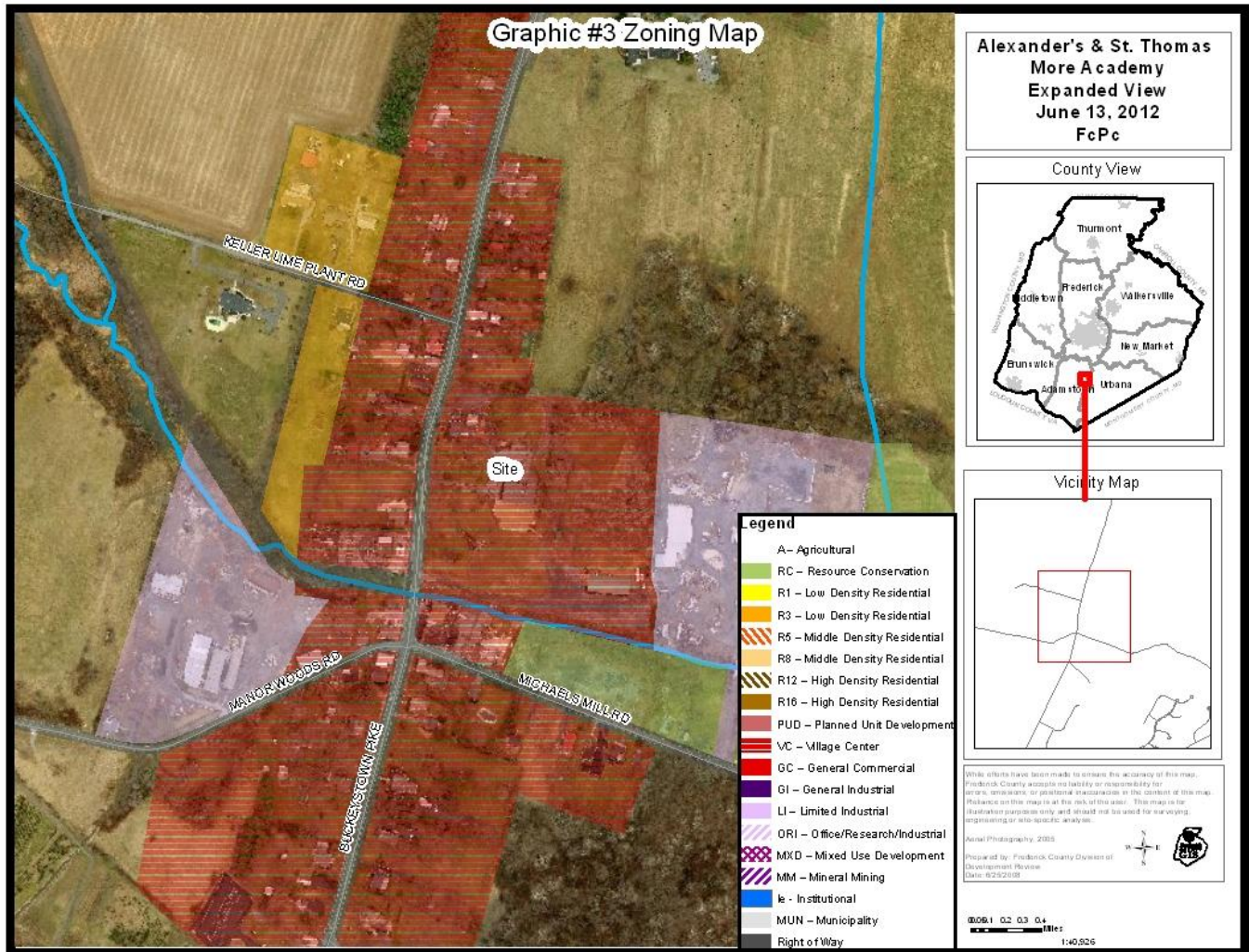


ANALYSIS

Summary of Development Standards Findings and Conclusions

The site is currently occupied with a Restaurant and a Hotel. The existing Hotel/Restaurant currently occupies three of the five buildings on the 3.76-acre site. The proposed plan will eliminate the existing hotel use within building D and E on site which will be occupied by the private elementary/junior high school, the restaurant will remain in operation in existing buildings A, B, & C.

There are access, circulation, and shared parking constraints related to the retrofitting of this site for the proposed dual uses.



Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-7.500.B.3.:** The site adheres to the setback requirements set forth in the Zoning Ordinance Section 1-19-7.500.B.3 and 1-19-6.100 for the Village Center zoning district.

Setbacks for all new structures are as follows: Front Yard: 25 feet, Side Yard: 10 feet, Rear Yard 40 feet. Setbacks for existing structures are 'as exists' although additions would be required to meet setbacks for new structures.

There is no new structures or exterior building construction proposed, therefore the setbacks on this site are as the buildings exist; or as follows: Front Yard: 58.5 feet, Side Yard: 93 feet, Rear Yard 14.5 feet.

2. **Signage §1-19-6.300:** The site adheres to the signage requirements set forth in Zoning Ordinance Section 1-19-6.320 of the zoning ordinance. Maximum signage allowed for the restaurant use located on this parcel is 94 square feet. As part of this application signage for the school portion of the site will be building mounted and will not exceed 32 square feet.
3. **Landscaping §1-19-6.400:** Landscaping is required in relation to the proposed improvements or additions that are occurring on site. The site is currently landscaped with a significant number of plants and shrubs, which provide visual interest as well as screening from MD 85 as well as adjacent properties. There are numerous specimen trees located on this site, which all will be preserved as part of this application. The Applicant is not proposing any additional structures on site and therefore is not proposing any additional landscaping as part of this application.

The applicant is requesting approval of alternative landscaping as provided in §1-19-6.400.I of the zoning ordinance. Staff supports the modification due to the existing landscaping on site and the fact that the applicant is not proposing any additional structures as part of this application.

4. **Lighting §1-19-6.500:** According to the site plan submitted by the Applicant all lighting will be building mounted and shall be cast down to prevent glare onto adjoining roads and properties in accordance with Zoning Ordinance Section 1-19-6.500. Lighting height will be a maximum of 15 feet. There will be no light trespass over 0.5-foot candles at the property line.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The site is located on MD 85, an existing paved, Minor Arterial as shown on the County Comprehensive Plan (2010). The site contains two access points onto MD 85(See Graphic #2 Site Rendering), which are currently being analyzed and would be permitted by the State Highway Administration (SHA). The southern access point will be one way IN only. This design allows for the passenger drop off zone to be located next to the school doors. The Applicant has agreed to eliminate the 7 parking spaces in front of Building D (See Graphic #1 Building Location Map) in order to provide greater stacking for vehicles during drop-off and pick-up times. The northern access point will be one way OUT only. This access point will be posted with a "Do Not Enter" sign. The Applicant will widen the existing circular drive in order to accommodate emergency vehicles. The Applicant also shifted the student drop off area closer to the main school building, compared to its original scheme, in order to provide more "stacking" during drop off and pick up periods. The restaurant use and the school use will operate on different peak periods therefore, shared use of parking can reasonably be expected to succeed.
2. **Connectivity:** The site is connected to the parcel to the east by a small 10-foot wide gravel drive that intersects with the circular gravel driveway that serves the site. The 10-foot driveway travels south on the adjacent property and expands to a 15-foot wide access drive onto MD 85 which serves the Mar-Ber Development parcel to the east. This connection is not improved and will not be upgraded as part of this application. This connection may however serve as an informal third entry point into the site during an emergency.
3. **Public Transit:** This site not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200:** The dining room/restaurant portion of the site requires 1 space for every 50 square feet of floor area devoted to customer service. Therefore 1,826 square feet of customer service area requires 37 parking spaces.

The elementary/junior high school use will require 2 spaces for each classroom and 1 space for every 8 seats in the assembly hall. Therefore, 13 classrooms require 26 parking spaces. The applicant is not proposing an assembly hall as part of this application; therefore the assembly hall parking requirements are not applicable and have not been included in the parking requirement calculation.

Total required parking for the entire site is 63 spaces. However, in accordance with Zoning Ordinance Section 1-19-6.240 and 1-19-7.500.B.4.d the Applicant shall utilize joint use or shared parking that results in a reduction of required off-street parking. Based on this provision the applicant proposes sharing 18 spaces between the restaurant and school that will not be utilized by both land uses during the same peak hours of operation. Therefore, the applicant is proposing 18 shared and 27 conventional parking spaces resulting in a total of 45 parking spaces provided.

5. **Bicycle Parking §1-19-6.220 (H):** Total required bicycle parking for the site is 3 spaces. The Applicant has provided 6 bike parking spaces; this number complies with the code.

- 6. Pedestrian Circulation and Safety:** Pedestrian circulation is provided on-site through existing connections between buildings via brick walkways. The Applicant will be restriping the parking spacing in front of Building D & E in order to provide a safe pedestrian travel way from the student drop off area into the buildings. There are existing sidewalks along the western side of RMD 85.

Conditions:

1. The applicant shall provide 18 shared and 27 conventional parking spaces, for 45 onsite parking spaces.

Public Utilities §1-19-3.300.4 (C): Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Findings/Conclusions

1. **Private Well and Septic:** The water and sewer classification for this site is W-5 and S-5, respectively. There are two existing approved septic fields located on this site for the restaurant use. Both fields have a combined septic capacity of 3,415 gallons per day (GPD) for buildings-A, B & C only.

The larger 2,200 gpd field is located adjacent to the existing restaurant. The smaller 1,215 gpd field is located to the south of existing building D as shown on the Building Location Map.

As required by the Health Department another 1,720 gpd septic field has been perked on the site to the east of building B. This septic field will handle all of the wastewater from the proposed school within buildings D and E. Total septic capacity for the site will be 4,985 gpd.

The existing approved well is located to the north of existing building E and will serve both the restaurant and proposed school, (See Graphic #1 Building Location Map above).

Natural features §1-19-3.300.4 (D): Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

Findings/Conclusions

1. **Topography:** The site sits slightly higher than MD 85, although it is mostly very flat.
2. **Vegetation:** The site contains several large old growth trees, as well as sweet gums along MD 85. No trees will be removed as part of this proposal. There are also numerous shrubs as well as an existing privacy fence along the northern property line, all of which will remain.
3. **Natural Hazards:** Based upon information submitted by the Applicant and available mapping, the site does not contain wet soils or wetlands. According to the Federal Emergency Management Agency Flood Insurance Rate Map Panel 0435D Map Number 24021C0435D effective date September 19, 2007, the southern portion of the site is located in Zone AE (100 year floodplain with base flood elevation shown). Base flood elevation in the area of the site is shown at 245 feet. In accordance with Zoning Ordinance §1-19-9.110.B.3, the site adheres to all of the appropriate setbacks. Furthermore, there is no construction proposed as part of this submission.

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Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions: There are no common areas proposed as part of this development.

Other Applicable Regulations

Stormwater Management – Chapter §1-15.2: The site is exempt from stormwater management per 2009 Maryland Stormwater Design Manual Section 1.2.2. The proposed development does not disturb more than 5000 square feet of land. Paving and gravel added 1,800 square feet of disturbance.

APFO – Chapter §1-20:

1. **Schools.** This Application is exempt from testing due to the commercial use.
2. **Water/Septic.** This Application is exempt from testing due to the site being serviced by private well and septic.
3. **Roads.** This application is exempt from testing due to the site generating less than 50 trips during the weekday am and pm peak hours. However, based on the requirements of §1-20-12(H), this applicant is required to contribute to all existing road escrow accounts in its travel shed. Based on student resident zip code information supplied by the applicant and a review of recently completed traffic studies in the corridor, 45 am peak hour trips were assigned to 7 existing escrow accounts in the MD 85 and “English Muffin Way corridors. This analysis results in a required payment of \$29,217 as detailed in the attached Letter of Understanding (LOU).

Forest Resource – Chapter §1-21: Narrative and worksheet have been approved. Based on Forest Resource requirements within the County Code 0.01 acres (435.60 sq ft) of mitigation is required. The mitigation must be provided prior to applying for grading permits. The site is within a Priority Funding Area, so the fee-in-lieu (FIL) rate is \$0.43 per sq ft. The total FIL payment required is \$187.31.

Historic Preservation – Chapter §1-23: There is no construction proposed as part of this submission therefore there are no substantive comments regarding Historic Preservation review agencies. Federal tax credits for rehab are available. Sec. 106 review required if Federal or State funds, licenses, or permits involved in project. Baker house (bldg A) is a contributing structure in the Buckeystown NR Historic District.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Approved
Development Review Planning:	Conditional Approval upon addressing all agency comments
State Highway Administration (SHA):	Denied <ul style="list-style-type: none"> • Sidewalk must be constructed from the existing sidewalk to the north to the southern property line. At the southern property line, the sidewalk must be turned and tied into the roadway shoulder. Update...engineer/developer must coordinate directly with impacted utilities to relocate necessary utilities in order to construct required improvements. DSN 4/24/12 • A Traffic Impact Study is required. Please submit seven copies of the study to this office for review. • The roadway must be widened along the property frontage to maintain the shoulder width which exists at the southern end of the site. Update...The gas line must be relocated, if necessary, to provide the required improvements. DSN 4/26/12 • An access permit will be required for all improvements within SHA r/w.
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	Approved
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan, APFO and FRO. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Conditions

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. **Landscape Plan Modification:** Alternative Landscaping Plan §1-19-6.400.I The site is heavily landscaped, containing a large amount of specimen trees. The Applicant is not proposing any additional construction. Staff supports the modification due to the existing landscaping on site and that there is no additional construction.
2. **Shared Parking Conditions:** Staff supports the shared parking of 18 parking spaces between the restaurant and the school in accordance with Zoning Ordinance Sections 1-19-6.240 as well as 1-19-7.500.B.4.d. The 18 spaces will not be used by both on site uses during the same peak hour times.

In accordance with Section 1-19-6.240.E, the parties involved in the use of the shared parking plan shall provide evidence of an agreement for such use and parking plan by a legal instrument approved by the County Attorney.

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PLANNING COMMISSION ACTION

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** [Site Plan SP-92-20] **with conditions** as listed in the staff report including **APFO** approval and **APPROVAL OF AN ALTERNATIVE LANDSCAPING PLAN** for the proposed Alexander's & St.Thomas More Academy Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** [Site Plan SP-92-20] **with conditions** as listed in the staff report [including **APFO** approval/denial] and **MODIFY** by [insert new condition or modification] for the proposed Alexander's & St.Thomas More Academy Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

MOTION TO DENY

I move that the Planning Commission **DENY** [Site Plan SP 92-20] for the proposed Alexander's & St.Thomas More Academy Site Plan, based on the following:



COMMUNITY DEVELOPMENT DIVISION
FREDERICK COUNTY, MARYLAND
Department of Planning and Development Review
30 North Market Street • Frederick, Maryland 21701
www.co.frederick.md.us

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

COMMISSIONERS

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve

David P. Gray

Kirby Delauter

COUNTY MANAGER

David B. Dunn

**COMMUNITY
DEVELOPMENT
DIVISION**

Eric E. Soter
Division Director

**DEPARTMENT OF
PERMITS AND
INSPECTIONS**

Gary W. Hessong
Department Director



St. Thomas More Academy @ Alexander's

Site Plan # SP 92-20 AP #12391

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and the St. Thomas More Academy ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved Alexander's & St. Thomas More Academy Site Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 3.76 +/- acre parcel of land, which is zoned Village Center (VC), and located east of Buckeystown Pike (MD 85), just north of Michael's Mill Road (MD 880), with access on MD 85. This APFO approval will be effective for a 13 classroom private school for grades K – 8., or any variation such that the intensity of vehicle trips or student generation is not increased, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on June 13, 2012.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements: The Property has a water and sewer classification of W-5 and S-5. It is exempt from APFO testing because the property is currently served by private water and sewer.

Road Improvements: The Project will increase weekday am peak hour traffic by 96 trips and requires APFO testing as outlined in §1-20-30 of the Frederick County Code. An April 2012 Traffic Impact Analysis performed for this Developer by Traffic Concepts, Inc., and other recent file studies, were reviewed to determine adequacy and establish fair share contributions to existing escrow accounts.

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As a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution to the following escrow accounts:

1. Maryland Route 85/English Muffin Way.

- a. Contribute the appropriate share to existing Escrow Account No. 3253 (Old 21551) (installation of traffic signal); the estimated inflated cost of the Road Improvement is \$60,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 3.77%. Therefore the Developer hereby agrees to pay \$2,262 to the escrow account for this Road Improvement.
- b. Contribute the appropriate share to existing Escrow Account No. 3761 for the re-striping of the existing eastbound through lane as a shared eastbound left-through lane and the modification of the traffic signal timings to allow for split phasing between the eastbound and westbound approaches. The estimated cost of the Road Improvement is \$16,500. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 3.77%. Therefore the Developer hereby agrees to pay \$622 to the escrow account for this Road Improvement.

2. New Design Road/English Muffin Way.

Contribute the appropriate share to existing Escrow Account No. 3286 for a new traffic signal. The current estimated cost of the signal is \$220,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.86%. Therefore the Developer hereby agrees to pay \$1,892 to the escrow account for this Road Improvement.

3. MD 85/Crestwood Blvd.

- a. Contribute the appropriate share to existing Escrow Account No. 3257 (Old 21555) for an additional southbound Through Lane - The estimated inflated cost of the Road Improvement is \$296,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.15%. Therefore the Developer hereby agrees to pay \$6,364 to the escrow account for this Road Improvement.
- b. Contribute the appropriate share to existing Escrow Account No. 3279 (Old 21584) for a Westbound Acceleration Lane - The estimated cost of the Road Improvement is \$103,870. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.15%. Therefore the Developer hereby agrees to pay \$2,233 to the escrow account for this Road Improvement.
- c. Contribute the appropriate share to existing Escrow Account No. 3281 (Old 21586) for Shockley Drive Re-Striping - The estimated cost of the Road Improvement is \$77,960. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.15%. Therefore the Developer hereby agrees to pay \$1,676 to the escrow account for this Road Improvement.

4. MD 85/I-270 Northbound Ramp Intersection

Contribute the appropriate share to existing Escrow Account No. 3259 (Old 21581) for I-270 Northbound Ramps and MD 85 Intersection - The estimated cost of the Road Improvement is \$1,507,200. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate

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share of this Road Improvement is 0.94%. Therefore the Developer hereby agrees to pay \$14,168 to the escrow account for this Road Improvement.

The road escrow contributions of \$29,217 must be paid in full prior to the issuance of a building permit. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on June 13, 2015.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER: St. Thomas More Academy

By: _____

Name: _____

Title: _____

[Signature]
President

Date: _____

5/23/12

FREDERICK COUNTY PLANNING COMMISSION:

By: _____

John McClurkin, Chair or Robert Lawrence, Secretary

Date: _____

ATTEST:

By: _____

Gary Hessong, Director, Permitting & Inspections

Date: _____

Planner's Initials / Date _____

County Attorney's Office Initials / Date _____

(Approved as to legal form)

St. Thomas More Academy at Alexander's LOU

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